

Message Text

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FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC IMMEDIATE 4030

C O N F I D E N T I A L SANTO DOMINGO 2766

E.O. 11652: GDS

TAGS: CASC, DR

SUBJ: DETAINED AMERICAN CITIZENS

1. AT MEETING THIS MORNING WITH FOREIGN SECRETARY JIMENEZ, I REITERATED CONCERN AT PROLONGED DETENTION OF THE THREE PUERTO RICANS WITHOUT DUE LEGAL PROCESS. NOTING THAT THE DOMINICAN CONSTITUTION (TITLE II, SECTION I, PARA 2 (D)) REQUIRED THAT ANY PERSON DEPRIVED OF HIS LIBERTY BE BROUGHT BEFORE COMPETENT JUDICIAL AUTHORITY WITHIN 48 HOURS OF HIS DETENTION OR RELEASED, I SAID WE WERE UNAWARE OF ANY LEGAL PROVISION PERMITTING DEVIATION FROM THIS REQUIREMENT AND ASKED FOR AN EXPLANATION OF THE BASIS FOR CONTINUING TO HOLD THE THREE DETAINED PERSONS WITHOUT CHARGES.

2. KIMENEZ REPLIED THAT ON MATTERS OF NATIONAL SECURITY, PROCEDURES "OUTSIDE OF THE NORMAL" WERE FOLLOWED. THESE MEN HAD NOT COME TO THE DOMINICAN REPUBLIC "TO SAY MASS" HE ADDED. I RESPONDED THAT WHATEVER THEIR ACTIVITIES MIGHT HAVE BEEN, THEY WERE ENTITLED TO THE FULL PROTECTION OF DOMINICAN LAWS. LEGALLY, THEY WERE INNOCENT UNTIL PROVEN GUILTY AND, BY DOMINICAN LAW, SHOULD BE CHARGED OR SET FREE. CONTINUED DETENTION OF THEM IN THEIR PRESENT STATUS WAS UNTENABLE. MOREOVER, IT HAD DISTURBING POTENTIAL FOR DARKENING THE DOMINICAN IMAGE AND FOR AFFECTING DOMINICAN-US RELATIONS. I NOTED FURTHER THAT 3 LAWYERS FOR THE DETAINED PUERTO RICANS, 2 FROM PUERTO RICO AND ONE FROM NEW YORK, HAD ARRIVED IN SANTO DOMINGO AND I UNDERSTOOD THEY WOULD BE PURSUING THE CASE. I SAID THE LAWYERS HAD REQUESTED AN APPOINT-
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MENT WITH ME AND I WOULD HAVE TO TELL THEM THAT THE CONTINUED

DETENTION OF THE 3 PUERTO RICANS WAS A MATTER OF SERIOUS CONCERN TO US. I EXPECTED THAT THESE LAWYERS WOULD ARRANGE FOR DOMINICAN COUNSEL TO REPRESENT THE DETAINED PERSONS. IT WAS OF GREAT IMPORTANCE, I CONCLUDED, THAT ARRANGEMENTS BE MADE URGENTLY FOR THE DOMINICAN COUNSEL SO DESIGNATED TO PURSUE DUE PROCESS FOR THE DETAINED US CITIZENS. I HOPED THE FOREIGN SECRETARY COULD GIVE ME ASSURANCE OF THIS URGENTLY.

3. JIMENEZ SEEMED TO APPRECIATE THESE POINTS AND SAID HE WOULD TAKE UP MY REPRESENTATION RIGHT AWAY AND LET ME KNOW BY TODAY, IF POSSIBLE.

4. THIS AFTERNOON, THE THREE LAWYERS REPRESENTING THE FAMILIES OF THE DETAINED PERSONS VISITED ME (DAVID SCRIBNER OF NEW YORK; CONCEPCION SUAREZ AND COLON MARTINEZ OF SAN JUAN). THEY TOLD ME THAT THE DOMINICAN CONSUL IN SAN JUAN HAD REPLIED TO THEIR APPROACH ON THE CASE WITH THE ASSERTION THAT THE DOMINICAN CONSULATE HAD NO COGNIZANCE OF THE DETAINED PERSONS AND COULD NOT ACCEPT ANY REPRESENTATION ON THE MATTER. THE LAWYERS STATED THAT THE DOMINICAN VIOLATIONS OF THE DETAINED PERSONS' CIVIL RIGHTS WARRANTED A FORMAL U.S. PROTEST AND THEY REQUESTED THAT SUCH PROTEST BE MADE. I EXPLAINED THAT WE HAD GAINED CONSULAR ACCESS TO THE DETAINED PERSONS; THAT OUR CONSULAR OFFICER HAD VISITED THEM TWICE AND CARRIED OUT THEIR REQUESTS; THAT SINCE THEN WE WERE CONCENTRATING ON EFFORTS TO ASSURE THEIR LEGAL REPRESENTATION; THAT OUR CONCERN AT THEIR PROLONGED DETENTION HAD BEEN EXPRESSED AT A HIGH LEVEL; THAT WE HAD SUGGESTED TO THE PUERTO RICAN LAWYERS AFTER THE CONSULAR VISITS THAT DOMINICAN COUNSEL BE DESIGNATED TO PURSUE THE LEGAL PROCESS WITH THE DOMINICAN AUTHORITIES, AND THAT WE HOPED SUCH DOMINICAN CONSEL WOULD BE DESIGNATED AS SOON AS POSSIBLE TO PURSUE THE CASE. THE LAWYERS SAID THEY WOULD BE MEETING THIS AFTERNOON WITH DOMINICAN ATTORNEYS AND EXPECTED TO CHOOSE DOMINICAN COUNSEL FOR THE DETAINED PERSONS BY MONDAY.

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